

Message Text

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PAGE 01 STATE 033524

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FM SECSTATE WASHDC

TO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

INFO AMEMBASSY BONN

USMISSION USBERLIN

C O N F I D E N T I A L STATE 033524

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C O R R E C T E D COPY FOR MISSING LINE PARA 2

EO 11652 GDS

TAGS: CGEN, PFOR, GE, FR, GW, US

SUBJECT:GDR-US CONSULAR CONVENTION NEGOTIATIONS

1. YOU ARE AUTHORIZED TO INFORM BRITISH AND FRENCH FOREIGN OFFICES AND EMBASSIES ON CONFIDENTIAL BASIS THAT USG ON FIRST DAY OF CONSULAR TALKS STATED WE WOULD NOT RPT NOT ACCEPT ANY DEFINITION OF NATIONALITY IN THE TREATY. WE CITED PRACTICAL AND POLITICAL REASONS: I.E. (A) WE HAVE NOT NORMALLY INCLUDED SUCH A DEFINITION IN OUR ACCORDS AND A DEFINITION IS UNNECESSARY FOR PRACTICAL FUNCTIONING OF AGREEMENTS, AND (B) ANY DEFINITION WOULD BE POLITICALLY TROUBLESOME.

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PAGE 02 STATE 033524

2. WE HAVE ENCOUNTERED POTENTIAL DIFFICULTY WITH EAST GERMANS ON OUR LANGUAGE DESIGNED TO AVOID QUESTION OF STATUS OF EAST BERLIN. FOR EXAMPLE, IN US DRAFT ARTICLE 24 WE OFFER PHRASE, "...WITHIN THE JURISDICTION OF THE RECEIVING STATE...", IN RE EXEMPTION FROM TAXES AND DUTIES ON MOVABLE PROPERTY IN CASE OF DEATH. THIS IS OBVIOUS CIRCUMLOCUTION TO AVOID IMPLICATION THAT EAST BERLIN IS IN GDR. WHEN EAST GERMANS ASKED FOR RATIONALE OF LANGUAGE, WE S TOLD THEM FRANKLY. THIS LED TO SHORT BUT FROSTY DISCUSSION, AND THEN TO A RESERVE ON THEIR PART WHICH THEY EXTENDED TO ALL OTHER ARTICLES WHICH MIGHT RAISE SAME QUESTION. WE DO NOT REGARD

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THIS PROBLEM AS VERY SERIOUS, BUT WE WOULD BE INTERESTED IN LEARNING HOW BRITISH HAVE DEALT WITH IT.

3. FOR EMBASSY LONDON: PLEASE ASK BRITISH WHETHER THEY HAVE INCLUDED ANY LANGUAGE IN THEIR DRAFT ANALOGOUS TO OUR PHRASE "WITHIN JURISDICTION OF THE RECEIVING STATE," AS SUBSTITUTE FOR PLAIN STATEMENT "IN THE RECEIVING STATE" OR "IN TERRITORY OF THE RECEIVING STATE."

4. FOR LONDON AND PARIS: DEPARTMENT IS POUCHING COPIES OF BOTH US AND GDR DRAFTS, WHICH MAY BE HELPFUL IN LATER DISCUSSIONS WITH RESPECTIVE FONOFF. THESE DRAFTS HOWEVER, ARE IN MORE PRELIMINARY PHASE THAN BRITISH DRAFT, WHICH HAS UNDERGONE SEVERAL NEGOTIATING SESSIONS. INGERSOLL

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